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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,142	01/22/2002	Gerardus Wilhelmus Maria Besseling	P-3004.001 Exter Polak	4788

7590

01/03/2003

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EXAMINER

EL ARINI, ZEINAB

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 01/03/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,142

Applicant(s)

BESSELING, GERARDUS
WILHELMUS MARIA

Examiner

Zeinab E. EL-Arini

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election with traverse of Group I, claims 1-10 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the contention that the method does not need a first pump is relatively unimportant, and both inventions need to be searched through the same classes. This is not found persuasive because the process as claimed can be practiced by another apparatus such as one without a first pump, a steam generator, a stock container and regulating means.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The abstract of the disclosure is objected to because it is not directed to a method for removing dirt as claimed herein. Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 9, line 35, " wall 27" has been recited, however Figs. 1 and 2 do not include "27". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, " the removal" lacks antecedent basis.

In claim 6, line 1, " the temperature", and at line 2, " the region" are without proper antecedent basis.

In claim 8, line 1, " the treated" lacks antecedent basis.

Claim 9 is indefinite in the recitation of " in particular". Also at line 3, it is not clear if comprising refers to the cleaning agent or to the phosphate compounds. Clarification is required.

In claim 10, line 2, " preferably " and " approximately" are indefinite terms. This is because use of a narrower range within a broader range in the same claim renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. One could not tell from such a claim if the narrower range or limitation is a restriction or limitation on the broader range or limitation. At line 2, " the region" lacks antecedent basis.

6. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as

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to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 9 recites the broad recitation of dirt, and the claim also recites chewing gum residues, which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Muntz et al. (GB 1,449,483).

Muntz et al. teach a method for removing dirt from a surface by means of steam and cleaning solution as claimed. Muntz et al. teach the temperature and the injection step as claimed.

See the document in general and Fig. 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muntz et al. in combination with Gilbert (4,327,459), Minich, Jr. et al. (3,687,156) Gohla et al. (4,308,158), and WO 98/00608 (WO'608).

Muntz et al. as discussed supra do not teach preheated step, the pressure, the pretreated step, the suction, removing chewing gum residues, the phosphate compounds, and the ratio as claimed.

Gilbert teaches a portable machine for cleaning carpets, .The reference teaches removing dirt by means of steam and cleaning solution. The reference also teaches that a vacuum motor will remove excess moisture and dirt particles that are released by the steam-detergent mixture. See col. 1, lines 33-68, col. 3, lines 9-48, the abstract, and the document in general.

WO'608 teaches a method and apparatus for removing gum by means of steam and cleaning detergent. The reference teaches the pressure, and preheated steps, and the suction as claimed. See the abstract, and the document in general.

Minich, Jr. et al. teach a mobile power washer. The reference teaches cleaning by using a cleaning compound comprising surfactant, emulsifiers, an organic solvent, and complex phosphates, and steam. See the abstract, Fig. 1 and the document in general.

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Gohla et al. teach detergent and cleaning compositions containing polymeric phosphate builders. The reference teaches the phosphate compounds as claimed. See the abstract and the document in general.

It would have been obvious for one skilled in the art to use the suction taught by WO'608, and Gilbert and the pressure and the preheated step taught by WO'608 in the Muntz et al. process to improve the cleaning process. It would have been obvious for one skilled in the art to use the process taught by Muntz et al. for removing chewing gum residues because it is well known in the art. See WO'608, which teaches using steam and detergent to remove gum.

It would have been obvious for one skilled in the art to use the detergent taught by Gohla et al. and Minich et al. in the Muntz et al. process to enhance the removal process. This is because the phosphate compounds as claimed is well known in the art of removing soil or dirt from a surface.

One skilled in the art would adjust the ratio of steam to the cleaning agent to obtain optimum results. It would have been obvious for one skilled in the art to use the pretreated and preheated steps to enhance the removal and cleaning process.

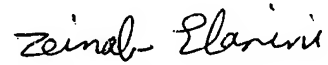
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (703) 308-3320. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703) 308-4333. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE
December 23, 2002